

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: John Stufflebean

SUBJECT: RECYCLE PLUS
CONTRACT EXTENSIONS

DATE: 12-05-05

Approved



Date

12/5/05

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

It is recommended that the City Council:

1. Approve offering an extension on the GreenTeam Agreement for Single-Family Garbage and Recycling Collection and Processing Services in Hauler District B for a second complete term of three years, from July 1, 2007 through June 30, 2010;
2. Approve offering an extension on the GreenTeam Agreement for Multi-Family Garbage and Recycling Collection and Processing Services in Hauler Districts A and B/C for a second complete term of three years, from July 1, 2007 through June 30, 2010;
3. Direct staff to negotiate an amendment to the Norcal Agreement for Single-Family Garbage and Recycling Collection and Processing Services in Hauler Districts A and C to allow an extension for a partial second term of 18 months, from July 1, 2007 through December 31, 2008. This amendment will provide additional time for Norcal to meet their curbside diversion requirements. A second 18 month extension will be awarded if and only if Norcal meets the diversion requirements during the new performance period.

BACKGROUND

As described in the Status Report and Schedule for Recycle Plus Agreement Extensions memorandum accepted by the City Council on October 4, 2005, the initial five-year term of the Recycle Plus agreements will expire on June 30, 2007. The agreements provide options for two three-year extensions, for a total of 11 years, if the contractors have achieved minimum standards set for performance and for diversion of solid waste from landfills. The assessment periods under consideration are calendar years 2003 and 2004 for the first extension of the term. For the first three-year extension period, the City has a contractual obligation to offer any extensions by January 10, 2006. The agreements stipulate that:

- The City must offer an automatic extension if the contractor meets both the minimum diversion and minimum performance standards in both assessment years. (Collection Districts A, B and C are evaluated separately, and extensions may be offered to districts independently – The districts are shown in the attached map.)
- If the contractor does not meet any of the minimum standards for diversion and performance in both years, the contractor will not be offered an extension, and the agreement will expire on June 30, 2007.
- If the contractor meets some, but not all, of the minimum standards (diversion or performance) in the two-year evaluation period, the City may offer an extension, but is under no obligation to do so.

Should the City offer an extension, the contractor must respond within 20 workdays or the extension offer will be withdrawn. The agreements further stipulate that compensation provisions will not be subject to negotiation and may only be modified by the annual cost of living adjustments provided in the existing agreement.

ANALYSIS

The "Quality of Performance of Contractor" section of each of the Recycle Plus agreements states that a primary goal of entering into the agreement is to "ensure that the Collection Services are of the highest caliber; that Service Recipient satisfaction remains at the highest level; that maximum diversion levels are achieved; and that materials collected are put to the highest and best use."

The Recycle Plus agreements contain minimum performance and diversion standards to ensure that the "Quality of Performance" goals are achieved. Performance standards are measured by the total amount of administrative charges assessed in a given calendar year, with maximum amounts set for each agreement and each district. Diversion results are calculated as a percentage based on a comparison of the amount of material diverted and the total amount collected, with minimum amounts set for each agreement and each district.

Yard Trimming and Residential Street Sweeping Agreements

Both Norcal Waste Systems and GreenWaste Recovery have met all performance and diversion standards in their yard trimmings and street sweeping agreements, surpassing the required 95% diversion standard in both calendar years. Therefore, Norcal and GreenWaste Recovery will be offered automatic extensions, in accordance with contract requirements.

Garbage and Recycling Agreements

The garbage and recycling agreements have separate diversion standards for large items, neighborhood clean-up material, and single-family dwelling (SFD) and multi-family dwelling (MFD) collection (solid waste collected curbside in carts and dumpsters). The curbside material represents 98.5% of the material collected under these agreements. Consequently, SFD and MFD curbside collection diversion rates are far more significant in meeting quality of performance than diversion rates for neighborhood clean-up and large item collection.

Table 1 below shows the curbside diversion levels achieved by the SFD haulers during the contract extension assessment period.

TABLE 1 – SFD DIVERSION

SFD Diversion	Curbside Diversion Requirement: 35%		
	Norcal		GreenTeam
	District A	District C	District B
2003 Curbside Diversion	25%	28%	41%
2004 Curbside Diversion	28%	32%	42%

Attachment A provides a complete summary of the diversion levels achieved by each hauler, for each district, in calendar years 2003 and 2004. Attachment B provides a summary of charges assessed and collected, by hauler and by district, and charges that are still pending review by City staff.

GreenTeam SFD and MFD Agreement

It is recommended that GreenTeam be offered an extension for both SFD and MFD services in all districts based on their performance during the assessment period. Although GreenTeam is not eligible to receive an automatic extension under the terms of the agreement, because they met some, though not all, of the requirements, the City may still elect to offer an extension of the initial term.

GreenTeam was not assessed administrative charges during the two-year review period for either SFD or MFD collection services. Additionally, GreenTeam surpassed their overall SFD collection diversion level (over 40% compared to 35% as required) and met standards for MFD diversion, as well as for Neighborhood Clean-ups. As noted in Attachment A, GreenTeam did not meet standards set for SFD and MFD Large Item collection in the first evaluation period (2003) by 24 tons in their SFD district and 13 tons in their MFD districts. These tonnage shortfalls are relatively insignificant given GreenTeam's curbside performance and their improvement in this category in 2004.

Norcal SFD Agreement

With respect to the Norcal contract, the following options are presented for Council's consideration:

- Option 1: Do not offer Norcal an extension and prepare to re-bid the contracts.
- Option 2: Offer Norcal an extension for a second three-year term, through June 30, 2010.
- Option 3: Amend the agreement to allow a partial extension based on the recommended conditional extension provisions proposed below.

Option 1 is not recommended due primarily to financial considerations. Comparing Norcal's bid to the other bids received in 2001 tends to support the conclusion that the prices under a re-bid might be significantly higher than Norcal's current price. Norcal's bid for District A (as adjusted by the Second Amendment) was approximately \$9.5 million annually. The other bids for District A were \$11.3 million and \$13 million. Norcal's bid for District C was \$8.1 million and the other bids were \$9.3 million and \$10.6 million.

Option 2 is not recommended due to the fact that Norcal has had performance issues that are still in the process of being addressed. Awarding an extension under the current contract provisions would allow the continued low performance situation to continue.

Option 3 is the staff recommendation. It allows the City the opportunity to retain the beneficial cost structure of the current contract (if Norcal accepts the offer) but requires performance improvements for additional extensions.

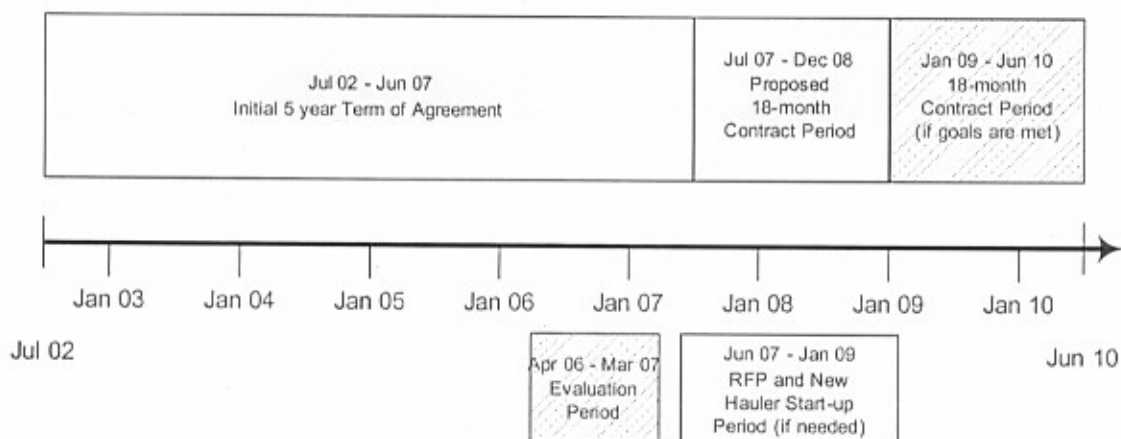
Specifically, it is recommended that the Norcal agreement be amended in order to offer them a partial extension of term for SFD services in Districts A and C (18 months instead of 36 months). This will allow them additional time to meet their curbside diversion requirements and to resolve issues relative to administrative assessments. As shown in Table 1, above, and in Attachment A, while progress has been made, Norcal did not meet their most significant diversion targets (curbside diversion) in both districts in both review periods. Additionally, Norcal may not meet their minimum performance standards in both districts in both review periods, as detailed in Attachment B. However, information available to date indicates that Norcal did achieve their Large Item diversion target in both districts in both review periods, giving the City the option to extend, or not, at its discretion. Compensation under the amendment would be the same as under the current agreement.

As indicated above, continuing to work with Norcal to meet all performance goals staff believes would likely result in significant cost savings to rate payers and be a cost effective strategy if Norcal continues to improve performance.

The proposed conditional extension offer has the following features:

- Norcal will receive a partial extension for 18 months for both Districts A and C from July 1, 2007 through December 31, 2008, to give them the opportunity to meet their curbside diversion and performance targets.
- A new one-year evaluation period will be instituted for the period April 1, 2006 through March 30, 2007. Norcal will be required to meet their curbside diversion targets during this period to receive a second 18 month extension from January 1, 2009 through June 30, 2010.
- The City will allow data for Districts A and C to be combined to simplify diversion calculations during this new evaluation period. It is difficult to calculate the diversions separately since all of the material is mixed at the MRF prior to being processed.
- Norcal will be required to implement the diversion and outreach plans originally submitted in their proposal response to 2000 Recycle Plus RFP, at no additional cost to the City.
- Processing requirements and terminology in the agreement will be better defined to ensure proper shipments and transfers of unprocessed material. For example, the term "sold" will be defined to more clearly measure the contract reporting provisions.
- The contract condition stating that the City "may extend if contractor meets some but not all" requirements will be removed. If Norcal does not meet its curbside diversion requirement during the new evaluation period, the agreement will terminate on December 31, 2008. If Norcal meets its diversion requirement, and all other contract requirements, Norcal will receive an automatic contract extension for the second 18 month extension period of January 1, 2009 through June 30, 2010.
- The additional labor compensation approved in the 2004 Second amendment to the Norcal contract will be extended over the new partial term.
- Compensation under the amendment will be the same as the current agreement.

The following timeline describes the proposed conditional extension option.



The benefits of the proposed conditional extension option include:

- An extension of Norcal's SFD contract will allow San Jose residents to continue to enjoy favorable low rates for garbage and recycling services.
- An extension of Norcal's SFD contract will allow the City to avoid service and labor disruptions that could result from changing service providers.
- Evidence indicates that Norcal has the ability to meet their diversion requirements if a concerted effort is made. As shown in Table 1, Norcal has made improvements in their diversion levels in 2004 over those achieved the prior year. Various studies and observations have provided information that seems to indicate that improvements in the sorting process are possible. Coupled with a focused educational campaign and active enforcement, significant improvements can be expected. Norcal's original response to the 2000 Recycle Plus RFP included diversion and outreach plans that, if implemented, should allow them to significantly improve diversion.

Norcal Glass Assessment

A final determination regarding the glass processing assessment is still in process. There has been a staff audit of Norcal's records, an independent third party review of the staff audit by Macias Consulting Group, Inc., and a City Attorney review of all related information. Staff updated the Council on this process in an information memo dated November 23, 2005.

In the original notice of assessment issued March 3, 2005, the administrative charges were calculated for various infractions in 2003 and 2004 at \$10.8 million. Based on the latest information, the City is assessing Norcal a total of \$924,000 in administrative charges for two categories of infractions cited in the original Notice of Assessment because all reviews and documentation of those infractions indicate they clearly occurred. The reviews completed to date also indicate that more information is needed prior to proceeding with the remainder of the infractions.

The City's intent in issuing Notice of Assessment is to address and correct performance under the Norcal contract. Staff is satisfied that Norcal/CWS have ceased the practices that the original notice addressed. However, staff continues to pursue the administrative charges on past infractions to make it clear that these improper practices will be addressed pursuant to contract provisions. Currently, staff is actively pursuing the \$924,000 in administrative charges while the remainder of the charges (the rest of the \$10.8 million) continue to be under review by City staff. This process could take several months to complete.

The threshold for meeting performance criteria for assessments is \$100,000 per District per year. While Norcal will likely be over this threshold and therefore would not meet this portion of the performance requirements, the City would not be prevented from offering Norcal an extension under the agreement because they have met some of the diversion rate performance criteria as defined in the agreement.

The staff recommendation to authorize a modified extension of only 18 months would also allow more time and work through the issues on the potential assessments for glass recycling.

Contingency Planning Process Update

Environmental Services staff has begun the process of contingency planning to ensure uninterrupted service in the event that the City Council elects not to offer a contract extension to one or more of the Recycle Plus contractors, or in the event that any contractor does not accept an extension offer.

The following is an updated timeline, outlining milestones and deliverables related to the contingency planning process:

1. October 2005 – January 2006: RFP Development and Contract Extensions
 - Develop RFP – *In progress. Through an RFQ process, a consultant has been selected to assist staff in the development of the 2006 Recycle Plus RFP; it is anticipated that the consultant will be on board late November or early December.*
 - Respond to issues raised during discussion of the Status Report and Schedule for Recycle Plus Agreement Extensions on October 4, 2005 – *Completed. Information Memorandum sent to Council in November 2005.*
 - Update Council on RFP policy – *In progress. The first update was scheduled for Council consideration at its meeting on November 29, 2005; a second update is tentatively targeted for mid-January 2006.*
 - Council review of SFD/MFD contract renewal recommendations – *Pending Council consideration on December 13, 2005.*
 - Offer Agreement extensions to contractors as appropriate (due on or about January 10, 2006) - *Pending Council determination on December 13, 2005 with additional Council Consideration on January 10, 2006 if necessary.*
2. January 2006 – June 2006: Contractor Selections (if needed)
 - Release RFP
 - Evaluate proposals
 - Make recommendations to Council regarding selected proposer(s)
 - Council awards contract(s)
3. June 2006 – July 2007: Contractor Preparations (if needed)
 - Negotiate contract(s)
 - Sign final contract(s) (before June 30, 2006)
 - Contractors acquire personnel, facilities and equipment, and design routes (maintaining the current days of collection)
 - New service begins (July 1, 2007)

OUTCOME

Approval of the recommendations contained in this memorandum will provide the necessary direction to staff to either proceed with the contract extension process or the RFP rebidding process.

PUBLIC OUTREACH

Haulers have been notified of their performance to date and advised of the contract extension process and timeline. As part of the RFP process, advertisements will be placed in trade journals and newspapers in January 2006, advising that the City *may* be issuing an RFP. Potential proposers will be required to submit signed process integrity guidelines in advance of the RFP release, ensuring that they follow ethical procedures in responding to the RFP, in the event it is issued.

COORDINATION

This memorandum was coordinated with the City Attorney's Office, the Department of Transportation, and the Finance Department.

COST IMPLICATIONS

There are no direct budget implications associated with the recommended actions in this memorandum. While there is no way of knowing the cost impact of getting a new contractor, it is expected that costs are likely to increase significantly under a new contract.

The recommendations in this memorandum adhere to the Mayor's Budget Strategy by focusing on the protection of vital City core services.

CEQA

Negative Declaration (ND), PP92-05-98.



JOHN STUFFLEBEAN
Acting Director, Environmental Services

Attachments

Hauler Districts

Garbage, Recycling, and Yard Waste

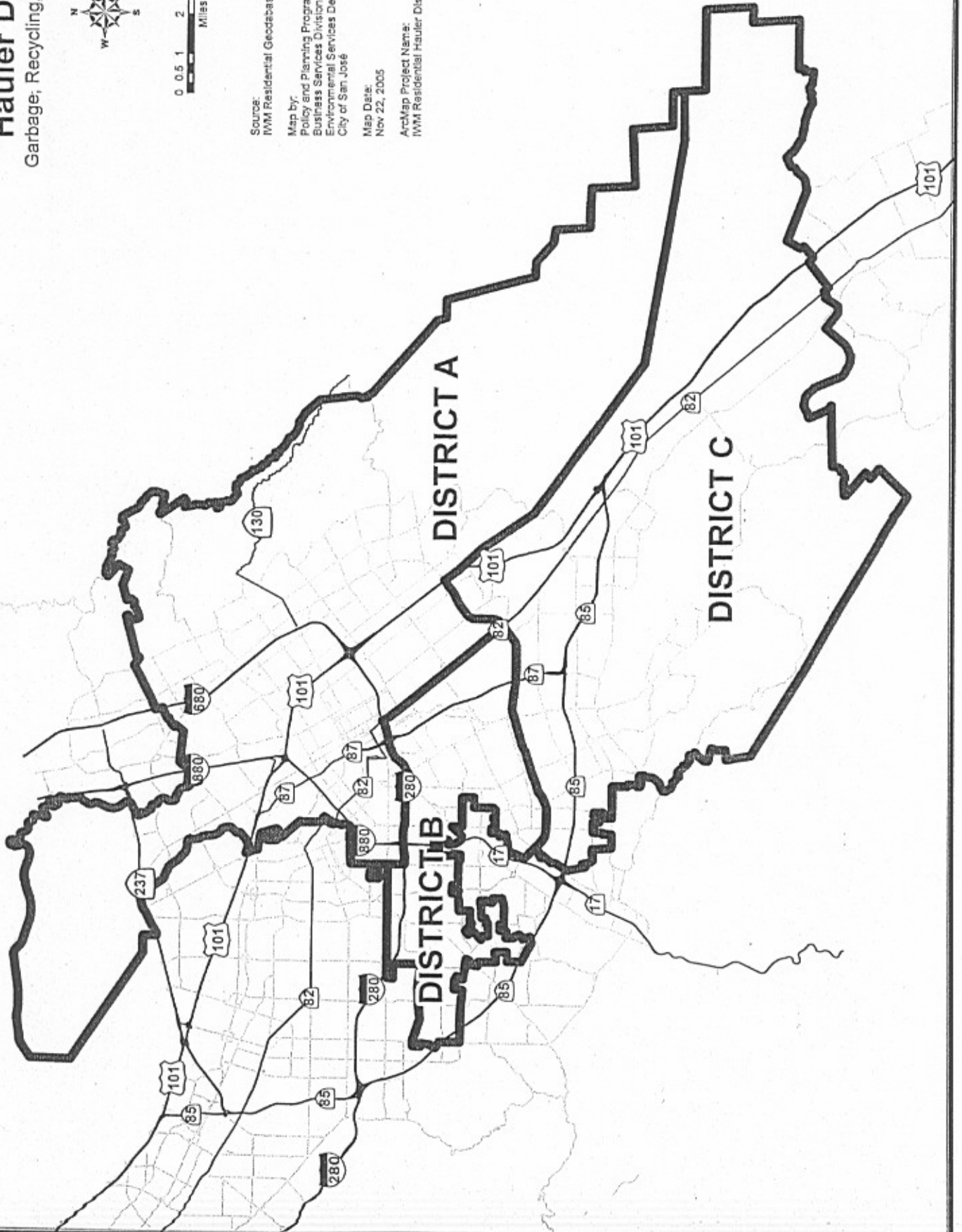


Source:
IWM Residential Geodatabase

Map by:
Policy and Planning Program-
Business Services Division-
Environmental Services Department-
City of San José

Map Date:
Nov 22, 2005

ArcMap Project Name:
IWM Residential Hauler Districts B_W 8x11.mxd



Attachment A
Diversion Levels, 2003 and 2004

Contract / District	Contract Requirement	Diversion Rate Achieved	
		2003	2004
Norcal SFD District A			
Residential Solid Waste	Not Less Than 35%	24.67%	28.32%
Garbage Tons Collected		80,233.97	80,485.63
Recycling Tons Collected		46,611.59	45,107.86
Residue		13,000.63	8,380.05
Recycling Tons Minus Residue		33,610.96	36,727.81
Recycling Tons Sold		31,295.39	35,572.93
Tons Needed to Achieve Diversion Target		44,395.95	43,957.72
Tons Over/Short		-13,100.56	-8,384.79
Large Item Collection	Not Less Than 50%	50.95%	54.32%
SFD Large Item Collected		860.06	704.21
SFD Large Item Residue Disposed		421.83	321.65
Total Large Item Recycled		438.23	382.56
Tons Needed to Achieve Diversion Target		430.03	352.11
Tons Over/Short		8.20	30.46
Neighborhood Clean-ups	Not Less Than 50%	42.37%	48.13%
Clean Up Collected		1,914.22	1,501.06
Clean Up Disposed		1,103.08	778.56
Total Clean Up Recycled		811.14	722.50
Tons Needed to Achieve Diversion Target		957.11	750.53
Tons Over/Short		-145.97	-28.03
TOTAL OVERALL DIVERSION	N/A	25.11%	28.70%
Norcal SFD District C			
Residential Solid Waste	Not Less Than 35%	27.92%	32.33%
Garbage Tons Collected		53,063.91	53,259.53
Recycling Tons Collected		37,827.66	37,007.49
Residue		10,558.30	6,874.92
Recycling Tons Minus Residue		27,269.36	30,132.57
Recycling Tons Sold		25,373.06	29,182.56
Tons Needed to Achieve Diversion Target		31,812.05	31,593.46
Tons Over/Short		-6,438.99	-2,410.90
Large Item Collection	Not Less Than 50%	51.13%	54.20%
SFD Large Item Collected		848.65	757.12
SFD Large Item Residue Disposed		414.73	346.79
Total Large Item Recycled		433.92	410.33
Tons Needed to Achieve Diversion Target		424.33	378.56
Tons Over/Short		9.59	31.77
Neighborhood Clean-ups	Not Less Than 50%	52.66%	50.04%
Clean Up Collected		816.11	668.80
Clean Up Disposed		386.34	333.99
Total Clean Up Recycled		429.77	334.70
Tons Needed to Achieve Diversion Target		408.06	334.40
Tons Over/Short		21.72	0.30
TOTAL OVERALL DIVERSION	N/A	28.35%	32.64%

Attachment A
Diversion Levels, 2003 and 2004

Contract / District	Contract Requirement	Diversion Rate Achieved	
		2003	2004
GreenTeam SFD District B			
Residential Solid Waste	Not Less Than 35%	40.83%	41.96%
Garbage Tons Collected		30,685.39	30,455.14
Recycling Tons Collected		25,340.76	26,069.02
SFD Residue		2,466.90	2,354.04
Total Recycling Minus Residue		22,873.86	23,714.98
Recycling Tons Sold		27,530.39	24,361.80
Tons Needed to Achieve Diversion Target		19,609.15	19,783.46
Tons Over/Short		3,264.71	3,931.52
Large Item Collection	Not Less Than 50%	44.97%	50.16%
SFD Large Item Collected		468.94	531.87
SFD Large Item Residue Disposed		258.06	265.07
Total Large Item Recycled		210.88	266.80
Tons Needed to Achieve Diversion Target		234.47	265.94
Tons Over/Short		-23.59	0.87
Neighborhood Clean-ups	Not Less Than 50%	55.25%	55.64%
Clean Up Collected		690.74	431.69
Clean Up Disposed		309.10	191.47
Total Clean Up Recycled		381.64	240.20
Tons Needed to Achieve Diversion Target		345.37	215.85
Tons Over/Short		36.27	24.36
TOTAL OVERALL DIVERSION	N/A	41.04%	42.13%

Attachment A
Diversion Levels, 2003 and 2004

Contract / District	Contract Requirement	Diversion Rate Achieved	
		2003	2004
GreenTeam MFD Districts A & B/C			
Residential Solid Waste	Jan - June 2003	10.58%	
Garbage Tons Collected	Not Less Than 9%	39,230.00	
Recycling Tons Collected		5,275.50	
Compost Tons Collected		0.00	
MFD Recycling Residue		565.20	
Total Recycling Minus Residue		4,710.30	
Compost Residue		0.00	
Total Composted Minus Residue		0.00	
Residential Solid Waste	July - Dec 2003	15.24%	
Garbage Tons Collected	Not Less Than 15%	34,447.90	
Recycling Tons Collected		5,445.70	
Compost Tons Collected		1,263.70	
MFD Recycling Residue		151.80	
Total Recycling Minus Residue		5,293.90	
Compost Residue		284.30	
Total Composted Minus Residue		979.40	
Residential Solid Waste	Jan - June 2004		27.07%
Garbage Tons Collected	Not Less Than 25%		27,520.20
Recycling Tons Collected			6,250.20
Compost Tons Collected			6,172.40
MFD Recycling Residue			320.60
Total Recycling Minus Residue			5,929.60
Compost Residue			1,388.80
Total Composted Minus Residue			4,883.20
Residential Solid Waste	July - Dec 2004		36.13%
Garbage Tons Collected	Not Less Than 35%		24,689.50
Recycling Tons Collected			7,252.30
Compost Tons Collected			9,265.70
MFD Recycling Residue			371.50
Total Recycling Minus Residue			6,880.80
Compost Residue			2,084.80
Total Composted Minus Residue			8,006.30
Large Item Collection	Not Less Than 50%	45.05%	50.12%
MFD Large Item Collected		263.70	206.30
MFD Large Item Residue Disposed		144.90	102.80
Total Large Item Recycled		118.80	103.40
Tons Needed to Achieve Diversion Target		131.85	103.15
Tons Over/Short		-13.05	0.25

Attachment A
Diversion Levels, 2003 and 2004

Contract / District	Contract Requirement	Diversion Rate Achieved	
		2003	2004
GreenWaste YT District A			
Organic Diversion	Not Less Than 95%	95.47%	99.9991%
Organic Waste Tons Collected		55,953.83	54,927.10
Tons Processing Residue Disposed		2,532.65	0.50
Total Organic Waste Minus Residue		53,421.18	54,926.60
GreenWaste YT District B			
Organic Diversion	Not Less Than 95%	95.61%	99.9991%
Organic Waste Tons Collected		36,455.39	37,035.54
Tons Processing Residue Disposed		1,598.70	0.34
Total Organic Waste Minus Residue		34,856.69	37,035.20
Norcal YT District C			
Organic Diversion	Not Less Than 95%	99.45%	99.53%
Organic Waste Tons Collected		49,236.20	50,826.90
Tons Processing Residue Disposed		268.90	238.00
Total Organic Waste Minus Residue		48,967.30	50,588.90

Norcal SFD - Administrative Charges 2003

Charges Assessed and Collected

Infraction Date(s)	Notice of Assessment Date	District A	District C	Total	Reason	Contract Section
Jan. 10	Jan. 15	\$285	\$215	\$500	Recyclable materials disposal w/o City permission \$500 per incident	18.04.s
Jan. 8, 9, 10 & 13	Jan. 21	\$7,980	\$6,020	\$14,000	Failure to meet reporting requirements \$500 x 28 days	18.04.g
Feb. 4 & 5	Feb. 6	\$1,425	\$1,075	\$2,500	Failure to meet reporting requirements \$500 x 5 days	18.04.g
Sep.26	Dec. 1	\$171	\$129	\$300	Failure to clean up spillage \$300 per incident	18.04.b
Nov. 14	Dec. 1	\$2,850	\$2,150	\$5,000	Failure to meet reporting requirements \$500 x 10 days (route maps overdue after extension)	18.04.b
Dec 29, 30 & 31	Jan. 12, 2004	\$1,710	\$1,290	\$3,000	Failure to provide sufficient storage capacity at the Materials Recycling Facility \$1000 x 3 days	18.04.q
		\$14,421	\$10,879			

Charges Pending

Infraction Date(s)	Notice of Assessment Date	District A	District C	Total	Reason	Contract Section
Jan. 1-Dec. 31	26-Oct-04	\$25,000	\$25,000	\$50,000	Failure to meet annual diversion requirements, short fall of more than 2% = \$25,000 (per each district) - Under Appeal	18.04.w
Aug. 25-Dec. 31	3-Mar-05	\$53,500	\$53,500	\$107,000	Failure to meet reporting requirements \$500 x 107 days - Under Appeal	18.04.g
Aug. 25-Dec. 31	3-Mar-05	\$107,000	\$107,000	\$214,000	Commingling of materials collected inside San Jose with those collected outside \$1000 x 107 infractions - Under Appeal	18.04.n
Aug. 25-Dec. 31	3-Mar-05	Under staff review *	Under staff review *	\$0	Failure to deliver any collected materials to disposal facility, materials recycling facility as appropriate \$5,000 1st delivery	18.04.u
Aug. 25-Dec. 31	3-Mar-05	Under staff review *	Under staff review *	\$0	Failure to deliver any collected materials to disposal facility, materials recycling facility as appropriate \$25,000 each subsequent x 106 times	18.04.u
		\$185,500	\$185,500			

2003 Total		\$199,921	\$196,379
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* Included in the March 2005 Assessment

Norcal SFD - Administrative Charges 2004

Charges Assessed and Collected

Infraction Date(s)	Notice of Assessment Date	District A	District C	Total	Reason	Contract Section
Jan. 2,7,8 & 9	Jan. 12	\$2,280	\$1,720	\$4,000	Failure to provide sufficient storage capacity at the Materials Recycling Facility \$1000 x 4 days	18.04.q
Jan. 22,23,26 & 27	Jan. 30	\$2,280	\$1,720	\$4,000	Failure to provide sufficient storage capacity at the Materials Recycling Facility \$1000 x 4 days	18.04.q
Apr. 21 & 22	Apr. 29	\$1,140	\$860	\$2,000	Failure to provide sufficient storage capacity at the Materials Recycling Facility \$1000 x 2 days	18.04.q
May 18,19 & 26	Jul. 4	\$1,710	\$1,290	\$3,000	Failure to provide sufficient storage capacity at the Materials Recycling Facility \$1000 x 3 days	18.04.q
Jul. 14 & Aug. 3, 4 & 17	Sep. 28	\$2,280	\$1,720	\$4,000	Failure to provide sufficient storage capacity at the Materials Recycling Facility \$1000 x 4 days	18.04.q
Jul-04	Sep. 29	\$2,000	\$1,800	\$3,800	Failure to meet service timelines	18.04.o
Aug-04	Sep. 29	\$6,000	\$4,400	\$10,400	Failure to meet service timelines	18.04.o
Week ending 10/31	Dec. 14		\$200	\$200	Failure to meet service timelines \$100 x 2 customers (10/18-10/27)	18.04.o
Week ending 11/21	Dec. 14		\$200	\$200	Failure to meet service timelines \$100 x 2 customers (11/4-11/15)	18.04.o
Dec-04	28-Feb-05	\$1,000	\$200	\$1,200	Failure to meet service timelines	18.04.o
		\$18,690	\$14,110			

Charges Pending

Infraction Date(s)	Notice of Assessment Date	District A	District C	Total	Reason	Contract Section
Jan. 1-Dec. 31	3-Mar-05	\$100,500	\$100,500	\$201,000	Failure to meet reporting requirements \$500 x 201 days - Under Appeal	18.04.g
Jan. 1-Dec. 31	3-Mar-05	\$201,000	\$201,000	\$402,000	Commingling of materials collected inside San Jose with those collected outside \$1000 x 201 infractions - Under Appeal	18.04.n
Jan. 1-Dec. 31	3-Mar-05	Under staff review *	Under staff review *	\$0	Failure to deliver any collected materials to disposal facility, materials recycling facility as appropriate \$25,000 each subsequent x 201 times	18.04.u
Jan. 1-Dec. 31	26-Jul-05	\$25,000	\$25,000	\$50,000	Failure to meet annual diversion requirements, more than 2% = \$25,000 (per each district) - Under Appeal	18.04.w
		\$326,500	\$326,500			

2004 Total	\$345,190	\$340,610
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* Included in the March 2005 Assessment

GreenWaste Recovery Yard Trimmings- Administrative Charges 2004**Charges Assessed and Collected**

Infraction Date(s)	Notice of Assessment Date	District B		Total	Reason	Contract Section
Nov. 2004	13-Jan-05	\$500		\$500	Failure to meet service timelines	

2004 Total		\$500
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Norcal Yard Trimmings & Street Sweeping - Administrative Charges 2004**Charges Assessed and Collected**

Infraction Date(s)	Notice of Assessment Date	District C		Total	Reason	Contract Section
Jul. 7	Sep. 13	\$200		\$200	New cart not delivered on time	18.05.o
Jul. 7	13-Sep-05	\$50		\$50	Street sweeping - whole street missed	18.05.u

2004 Total		\$250
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GreenTeam SFD and MFD - No administrative charges were assessed in 2003 or 2004